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MICK ROCK,

Plaintiff,

-against-

ENFANTS RICHES DEPRIMES, LLC,
BARNEYS NEW YORK, INC. and THE
REALREAL, INC.,

Defendants.

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**DECLARATION OF BARRY I.
SLOTNICK IN SUPPORT OF MOTION
TO WITHDRAW AS COUNSEL**

1. I am a partner at the law firm Loeb & Loeb LLP (“Loeb”), attorneys for defendants Enfants Riches Deprimes, LLC (“ERD”) and Barneys New York, Inc. (“Barneys”). I am fully familiar with the facts set forth herein and respectfully submit this declaration pursuant to Local Rule 1.4 in support of Loeb & Loeb LLP’s motion to withdraw as counsel for Defendants.

3. Loeb was retained by ERD and Barneys in May 2017 to represent them, jointly, in connection with this action. ERD agreed to pay all of Loeb's legal fees and costs.

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5. In addition, ERD has not paid Loeb's fees or costs incurred in connection with Loeb's defense of ERD and Barneys for more than a year. To date, ERD owes Loeb no less than \$103,634.22 in fees and costs incurred in connection with Loeb's defense of ERD and Barneys.

6. Loeb informed Barneys that it intended to withdraw from its representation of Barneys in this action due to its inability to communicate with ERD and ERD's failure to pay Loeb's fees and costs. Barneys does not object to Loeb's withdrawal from this matter.

7. It was communicated to ERD that Loeb would seek to withdraw from representing ERD in this matter due to its inability to communicate with ERD, and ERD's failure to pay Loeb's fees and costs.

8. Upon information and belief, ERD has other counsel. I am without information or knowledge as to whether such unidentified counsel will become counsel of record for ERD in this action.

9. Prosecution of this suit will not be disrupted by the withdrawal of Loeb. Fact and expert discovery closed on Friday, June 22, 2018, and no schedule for any pretrial motion practice or a trial date has been set.

10. Loeb has served a copy of this declaration and a notice of its motion to withdraw on each of Barneys and ERD.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Dated: New York, New York
July 3, 2018

/s/ Barry I. Slotnick
Barry I. Slotnick